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6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE DISTRICT OF ARIZONA
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9 Coyotes Hockey, LLC, Arizona Lacrosse,) No. CV-09-640-PHX-FJM
10 LLC d/b/a Arizona Sting Lacrosse)
11 company,)

ORDER

11 Plaintiffs/Counterdefendants,)

12 vs.)

13 National Lacrosse League, Inc.,)

14 Defendant/Counterclaimant.)
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18 The court has before it plaintiffs' "Motion to Continue Stay of Proceedings as to All
19 Parties and Claims" (doc. 23), and defendants' "Response." On May 12, 2009, we entered
20 our order (doc. 15) which addressed the notice of filing bankruptcy on behalf of plaintiff
21 Coyotes Hockey, LLC. We noted that the stay applied only to Coyotes Hockey, LLC, and
22 not to plaintiff Arizona Lacrosse, LLC. We thus stated that both Arizona Lacrosse, LLC's
23 claim and the National Lacrosse League Inc.'s counterclaim against Arizona Lacrosse, LLC
24 would proceed. We also ruled that we would dismiss the complaint of Coyotes Hockey,
25 LLC, and National Lacrosse League, Inc.'s counterclaim against it unless by August 3, 2009,
26 the court was advised that the bankruptcy stay had been lifted by the bankruptcy court or a
27 request for the lifting of the stay had not yet been ruled upon by the bankruptcy court. This
28 encourages unitary adjudication in one court or the other, and ensures that proceedings in

1 federal court do not linger because of ongoing bankruptcy proceedings. This encourages the
2 parties to choose one forum or the other.

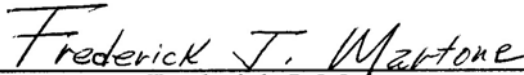
3 Yet the motion to continue stay indicates that no party has followed this court's order
4 of May 12, 2009. That is to say, no party has applied to the bankruptcy court for a lifting of
5 the automatic stay. In short, the parties have refused to accommodate themselves to this
6 court's order of May 12, 2009, and instead now ask for further delay of the entire case.

7 We construe the parties' failure to seek a lifting of the automatic stay as their interest
8 in litigating these claims in the bankruptcy court rather than the United States District Court.
9 Accordingly, IT IS ORDERED, pursuant to this court's order of May 12, 2009 (doc. 15), that
10 the complaint of Coyotes Hockey, LLC, against National Lacrosse League, Inc., and the
11 counterclaim of National Lacrosse League, Inc., against Coyotes Hockey, LLC, are each
12 dismissed without prejudice for failure to comply with this court's order of May 12, 2009.
13 The parties can now litigate these claims in the bankruptcy court.

14 The motion to continue and the response indicate that the parties believe it inefficient
15 and ineffective to litigate the claims by and against Coyotes Hockey, LLC, separately from
16 the claims by and against Arizona Lacrosse, LLC. Consistent, therefore, with our order as
17 to Coyotes Hockey, LLC, those claims too should be resolved in the court the parties have
18 selected, i.e., the bankruptcy court. Accordingly, the plaintiffs' "Motion to Continue Stay of
19 Proceedings as to All Parties and Claims" is DENIED (doc. 23). IT IS FURTHER
20 ORDERED dismissing without prejudice the complaint of Arizona Lacrosse, LLC against
21 National Lacrosse League, Inc., and the counterclaim of National Lacrosse League, Inc.,
22 against Arizona Lacrosse, LLC.

23 All of the claims of all of the parties having been dismissed without prejudice, the
24 clerk shall enter final judgment dismissing all claims without prejudice.

25 DATED this 17th day of August, 2009.

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28 Frederick J. Martone
United States District Judge